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EXAMINER

FIGUEROA, FELIX O

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/710,897
Filing Date: August 11, 2004
Appellant(s): TIESLER ET AL.

Thomas E. Donohue
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed May 9, 2008 appealing from the Office action mailed October 3, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

However, it is noted that while claim 6 depends on canceled claim 3, it has been assumed that it was intended to depend on claim 1.

(8) Evidence Relied Upon

US 5,599,086	Dutta	02-1997
US 6,854,988	Marmaropoulos	02-2005
US 6,575,528	Tiesler et al.	06-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 6, 7, 9-12, 14, 16-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 5,599,086) in view of Marmaropoulos et al. (US 6,854,988).

Dutta discloses a vehicle overhead module powerstrip assembly comprising: at least one overhead attachment strip (18) configured to couple to a vehicle overhead structure; at least one electrically conductive strip (50) coupled to the at least one attachment strip; and a plurality of modular connector (at 54,56, see col. 2 lines 55-57), each comprising a plurality of electrical contacts having a plurality of attachment positions (Fig.1) along the at least one electrically conductive strip, the plurality of modular connector removable from the conductive strip (col.4 lines 28-29), positioned interchangeable with each other, and configured to couple an overhead electronic module (24) to the at least one electrically conductive strip.

Dutta discloses substantially the claimed invention except for the specific configuration of the attachment strip. Marmaropoulos teaches at least one attachment strip (10) including a t-shaped main center member having a t-body and a t-cap; at least

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one electrically conductive strip (50) coupled to the at least one attachment strip, the at least one electrically conductive strip comprising a power strip positioned on the t-body and a ground strip (center 50) positioned on the t-cap; a plurality of modular connectors (at 100) each of which comprising a plurality of electrical contacts (110, 115, 150) having a plurality of attachment positions along the at least one electrically conductive strip, the plurality of modular connectors removable from the at least one electrically conductive strip, position interchangeable with each other, and configured to couple at least one electronic module (100) to the at least one electrically conductive strip; at least one flange (20) that covers at least a portion of the at least one electrically conductive strip, the at least one flange is flexible and flexes outward when the plurality of modular connectors are removed to at least partially cover and prevent access to the at least one conductive strip to enclose/seal the conductive member (see Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an attachment strip including a T-shaped member and at least one flexible flange, as taught by Marmaropoulos, to enclose/seal the conductive member.

Regarding claims 2 and 3, Dutta, as modified by Marmaropoulos, discloses the at least one attachment strip being a single extruded component; comprising at least one flange (not labeled, Figs. 2 and 3) that covers at least a portion of the at least one electrically conductive strip.

Regarding claim 6, Dutta, as modified by Marmaropoulos, discloses the at least one attachment strip applying pressure on the at least one modular connector to

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maintain electrical contact between the at least one electrically conductive strip and the at least one modular connector.

Regarding claim 7, Dutta, as modified by Marmaropoulos, discloses the at least one electrically conductive strip comprising a positively charged electrically conductive strip (50) and a negatively charged electrically conductive strip (52).

Regarding claim 9, Marmaropoulos discloses the plurality of electrical contacts comprising a ground contact, having spring characteristics, such that it is in compression when in contact with the a ground strip of the at least one electrically conductive strip.

Regarding claim 10, Marmaropoulos discloses the at least one overhead attachment strip comprising a plurality of channels, at least a portion of the plurality of electrical contacts extend into the plurality of channels and are in contact with the at least one electrically conductive strip therein.

Regarding claim 11, Marmaropoulos discloses the plurality of electrical contacts comprising a first power contact; and a second power contact having a physical spreading resistance relative to the first power contact to maintain electrical contact with the at least one electrically conductive strip.

Regarding claim 12, Dutta, as modified by Marmaropoulos, discloses the plurality of electrical contacts being slidable along the at least one electrically conductive strip.

Regarding claim 14, Dutta, as modified by Marmaropoulos, discloses the at least one modular connector comprises at least one insulator separating the plurality of

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electrical contacts; and the insulator comprising a plurality of module attachment holes (Fig. 1 of Marmaropoulos).

Regarding claim 16, Dutta discloses a vehicle overhead console comprising: at least one track (62); a plurality of overhead console modules (24) transitional and position interchangeable along the at least one track; and at least one vehicle overhead module powerstrip assembly (54,56) comprising: at least one overhead attachment strip (18) configured to couple to a vehicle overhead structure; at least one electrically conductive strip (50,52) coupled to the at least one attachment strip; and a plurality of removable and modular connector (at 54,56) coupled to the overhead modules and comprising a plurality of electrical contacts (54,56) having a plurality of attachment positions along the at least one electrically conductive strip, the plurality of modular connector configured to couple and allow separation of the plurality of overhead electronic modules (col.4 lines 28-29) to and from the at least one electrically conductive strip.

Dutta discloses substantially the claimed invention except for the specific configuration of the attachment strip. Marmaropoulos teaches at least one attachment strip (10) including a t-shaped main center member having a t-body and a t-cap; at least one electrically conductive strip (50) coupled to the at least one attachment strip, the at least one electrically conductive strip comprising a power strip positioned on the t-body and a ground strip (center 50) positioned on the t-cap; a plurality of modular connectors (at 100) each of which comprising a plurality of electrical contacts (110, 115, 150) having a plurality of attachment positions along the at least one electrically conductive

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strip, the plurality of modular connectors removable from the at least one electrically conductive strip, position interchangeable with each other, and configured to couple at least one electronic module (100) to the at least one electrically conductive strip; at least one flange (20) that covers at least a portion of the at least one electrically conductive strip, the at least one flange is flexible and flexes outward when the plurality of modular connectors are removed to at least partially cover and prevent access to the at least one conductive strip to enclose/seal the conductive member (see Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an attachment strip including a T-shaped member and at least one flexible flange, as taught by Marmaropoulos, to enclose/seal the conductive member.

Regarding claim 17, Dutta, as modified by Marmaropoulos, discloses the at least one overhead attachment strip being coupled to the at least one track via at least one fastening device (70).

Regarding claim 18, Dutta, as modified by Marmaropoulos, discloses the at least one electronic module having an infinite number of module positions relative to the track (Fig.1) and receives power from the at least one electrically conductive strip in each of the module positions.

Regarding claim 23, Dutta, as modified by Marmaropoulos, discloses the modules comprising a plurality of electronic modules.

Regarding claim 24, Dutta discloses a vehicle overhead console comprising: at least one track (62); at least one vehicle overhead console module powerstrip assembly

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(54,56) coupled to the at least one track and comprising; at least one overhead attachment strip (18) configured to couple to a vehicle overhead structure; and at least one electrically conductive strip (50,52) coupled to the at least one attachment strip; and a plurality of overhead modules (24) transitional, removable, and position interchangeable along the at least one track and comprising at least one modular connector (at 54,56) having at least one electrical contact for coupling to the at least one electrically conductive strip.

Dutta discloses substantially the claimed invention except for the specific configuration of the attachment strip. Marmaropoulos teaches at least one attachment strip (10) including a t-shaped main center member having a t-body and a t-cap; at least one electrically conductive strip (50) coupled to the at least one attachment strip, the at least one electrically conductive strip comprising a power strip positioned on the t-body and a ground strip (center 50) positioned on the t-cap; a plurality of modular connectors (at 100) each of which comprising a plurality of electrical contacts (110, 115, 150) having a plurality of attachment positions along the at least one electrically conductive strip, the plurality of modular connectors removable from the at least one electrically conductive strip, position interchangeable with each other, and configured to couple at least one electronic module (100) to the at least one electrically conductive strip; at least one flange (20) that covers at least a portion of the at least one electrically conductive strip, the at least one flange is flexible and flexes outward when the plurality of modular connectors are removed to at least partially cover and prevent access to the at least one conductive strip to enclose/seal the conductive member (see Abstract). Therefore,

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it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an attachment strip including a T-shaped member and at least one flexible flange, as taught by Marmaropoulos, to enclose/seal the conductive member.

Claims 8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of [Marmaropoulos and] Tiesler et al. (US 6,575,528).

Dutta discloses substantially the claimed invention except for the location of the strip. Tiesler teaches the use of a strip along a longitudinal centerline of a vehicle, thus improving accessibility of the modules. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the strip of Dutta along a longitudinal centerline, as taught by Tiesler, to improve accessibility of the modules.

Regarding claims 21 and 22, Tiesler teaches the use of a variety of modules, such as audio and video modules. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the assembly of Dutta with different types of modules, as taught by Tiesler, to provide a secure and versatile positioning of the modules.

(10) Response to Argument

Claim 1

In response to Appellant's argument (on page 6, last paragraph) that Marmaropoulos fails to teach "mounting the ground on the T-cap 55 as claimed", please note that Marmaropoulos shows the ground strip (center 50) on the T-cap as seen in the following figure.

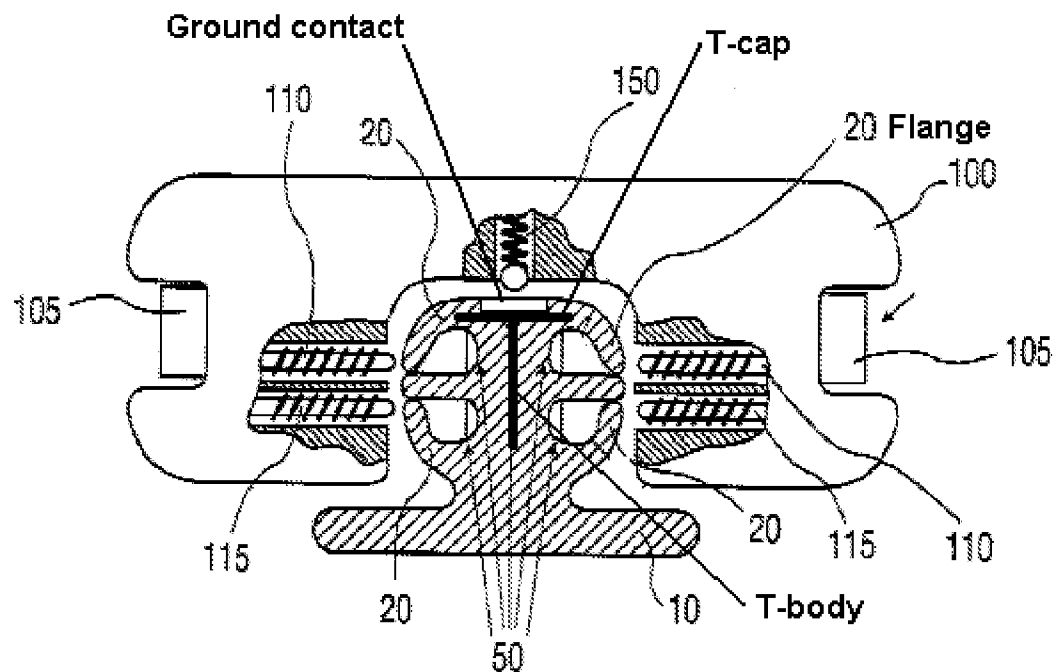


FIG. 1

Additionally, please note that a recitation of the intended use of the claimed invention (i.e. ground) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to Appellant's argument (on page 7, first paragraph) that "the T-shape member in Marmaropoulos is not part of the attachment strip 40 coupled to the vehicle overhead structure 28 as claimed," please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Dutta discloses the overhead attachment strip (18) coupled to a vehicle overhead structure (see Fig. 1). Marmaropoulos teaches an attachment strip (10) with a T-shape.

In response to Appellant's argument that "the T-shaped member 10 in Marmaropoulos is a portion of the mounted electrical device 210 and therefore its removal leaves all of the electrical connections 110, 115, 150 exposed upon its removal", please note that Fig. 2 shows the T-shaped attachment strip (10) in use. Contrary to Appellant's arguments, electrical device 210 is does not include attachment strip 10, but it is rather an alternative embodiment.

In response to Appellant's argument that "[n]either the Dutta reference nor the Marmaropoulos reference teaches the unique combination of T-shaped overhead attachment strip 40, with power strip 57 [0033] on the T-body 53 [0033], Ground 64 [0033] (Figure 7) on the T-cap 55 [0033] (Fig 8), and protective flanges 54 [0030-31] to cover the T- body 53 [0033] as claimed," please see the previous figure above in which Marmaropoulos shows the T-shaped overhead attachment strip (10), with power strip (one of side 50) on the T-body, Ground (center 50) on the T-cap 55, and protective flanges (20) to cover the T- body.

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Claim 2

In response to Appellant's argument (on page 7, first full paragraph) that "the T-member illustrated in Marmaropoulos [is] not part of the attachment strip," please note that Figure 1 shows the T-member being part of the attachment strip (10). See also the previously presented figured, above.

In response to Appellant's argument that the T-member/attachment strip "is not in the form of a single extruded component," please note that Figures 1, 3 and 4 show the T-member/attachment strip being a single component. Additionally, a process of manufacturing (extruded) is incidental to the claim apparatus. Please note that the method of forming a device is not germane to the issue of patentability of the device itself. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation.

Claims 6-8, 11 and 12

In response to Appellant's argument that regarding claims 6-8, 11 and 12, since Appellant merely refers to the arguments set forth in claim 1, please see the response to argument regarding claim 1 above.

Claim 9

In response to Appellant's argument (on page 8, first paragraph) that neither Dutta or Marmaropoulos disclose "a ground contact 77 [0035] formed as a part of the removable modular connector 48 having spring characteristics such that it is in compression with the ground strip 64 [0033] of the electrically conductive strip 60 [31]," please note that Marmaropoulos discloses a ground contact (150) formed as a part of

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the removable modular connector (100) having spring characteristics such that it is in compression with the ground strip (center 50) of the electrically conductive strip (10).

Additionally, please note that a recitation of the intended use of the claimed invention (i.e. ground) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 10

In response to Appellant's argument (on page 8, first full paragraph) that Dutta and Marmaropoulos teach "only a single channel formed in the attachment strip connected to the vehicle overhead structure", please note that Marmaropoulos discloses a plurality of channels (12, 14, as seen in Fig. 1).

Claim 14

In response to Appellant's argument (on page 8, second full paragraph) that "neither Dutta nor Marmaropoulos teach the claimed insulator 86 [0038] (Figure 6) separating the contacts 46 and comprising a plurality of attachment holes 98 [0041] for attaching the insulator 86 to the overhead electronic module 20", please note that Marmaropoulos teaches the insulator (10) separating the contacts (50) and comprising a plurality of attachment holes (12, 14) for attaching the insulator to the overhead electronic module (100).

Claim 16

In response to Appellant's argument (on page 9, last paragraph) that Marmaropoulos fails to teach "mounting the ground on the T-cap 55 as claimed", please note that Marmaropoulos shows the ground strip (center 50) on the T-cap as seen in the previously presented figure regarding claim 1, above.

Additionally, please note that a recitation of the intended use of the claimed invention (i.e. ground) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to Appellant's argument that "the T-shape member in Marmaropoulos is not part of the attachment strip 40 coupled to the vehicle overhead structure 28 as claimed", please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Dutta discloses the overhead attachment strip (18) coupled to a vehicle overhead structure (see Fig. 1). Marmaropoulos teaches an attachment strip (10) with a T-shape.

In response to Appellant's argument that "the T-shaped member 10 in Marmaropoulos is a portion of the mounted electrical device 210 and therefore its removal leaves all of the electrical connections 110, 115, 150 exposed upon its removal", please note that Fig. 2 shows the T-shaped attachment strip (10) in use.

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Contrary to Appellant's arguments, electrical device 210 is does not include attachment strip 10, but it is rather an alternative embodiment.

In response to Appellant's argument that "[n]either the Dutta reference nor the Marmaropoulos reference teaches the unique combination of T-shaped overhead attachment strip 40, with power strip 57 [0033] on the T-body 53 [0033], Ground 64 [0033] (Figure 7) on the T-cap 55 [0033] (Fig 8), and protective flanges 54 [0030-31] to cover the T- body 53 [0033] as claimed", please see the previous figure above in which Marmaropoulos shows the T-shaped overhead attachment strip (10), with power strip (one of side 50) on the T-body, Ground (center 50) on the T-cap 55, and protective flanges (20) to cover the T- body.

Claims 17, 18 and 23

In response to Appellant's argument (on page 10) that regarding claims 17, 18 and 23, since Appellant merely refers to the arguments set forth in claim [16], please see the response to argument regarding claim 16 above.

Claim 24

In response to Appellant's argument (on page 11, first full paragraph) that Marmaropoulos fails to teach "mounting the ground on the T-cap 55 as claimed", please note that Marmaropoulos shows the ground strip (center 50) on the T-cap as seen in the previously presented figure regarding claim 1, above.

Additionally, please note that a recitation of the intended use of the claimed invention (i.e. ground) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from

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the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to Appellant's argument that "the T-shape member in Marmaropoulos is not part of the attachment strip 40 coupled to the vehicle overhead structure 28 as claimed", please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Dutta discloses the overhead attachment strip (18) coupled to a vehicle overhead structure (see Fig. 1). Marmaropoulos teaches an attachment strip (10) with a T-shape.

In response to Appellant's argument that "the T-shaped member 10 in Marmaropoulos is a portion of the mounted electrical device 210 and therefore its removal leaves all of the electrical connections 110, 115, 150 exposed upon its removal", please note that Fig. 2 shows the T-shaped attachment strip (10) in use. Contrary to Appellant's arguments, electrical device 210 does not include attachment strip 10, but it is rather an alternative embodiment.

In response to Appellant's argument that "[n]either the Dutta reference nor the Marmaropoulos reference teaches the unique combination of T-shaped overhead attachment strip 40, with power strip 57 [0033] on the T-body 53 [0033], Ground 64 [0033] (Figure 7) on the T-cap 55 [0033] (Fig 8), and protective flanges 54 [0030-31] to cover the T-body 53 [0033] as claimed", please see the previous figure above in which Marmaropoulos shows the T-shaped overhead attachment strip (10), with power strip

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(one of side 50) on the T-body, Ground (center 50) on the T-cap 55, and protective flanges (20) to cover the T- body.

Claims 8, 21 and [22]

In response to Appellant's argument (on page 12, first full paragraph) that Marmaropoulos fails to teach "mounting the ground on the T-cap 55 as claimed", please note that Marmaropoulos shows the ground strip (center 50) on the T-cap as seen in the previously presented figure regarding claim 1, above.

Additionally, please note that a recitation of the intended use of the claimed invention (i.e. ground) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to Appellant's argument that "the T-shape member in Marmaropoulos is not part of the attachment strip 40 coupled to the vehicle overhead structure 28 as claimed", please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Dutta discloses the overhead attachment strip (18) coupled to a vehicle overhead structure (see Fig. 1). Marmaropoulos teaches an attachment strip (10) with a T-shape.

In response to Appellant's argument that "the T-shaped member 10 in Marmaropoulos is a portion of the mounted electrical device 210 and therefore its

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removal leaves all of the electrical connections 110, 115, 150 exposed upon its removal”, please note that Fig. 2 shows the T-shaped attachment strip (10) in use.

Contrary to Appellant’s arguments, electrical device 210 is does not include attachment strip 10, but it is rather an alternative embodiment.

In response to Appellant's argument that "[n]either the Dutta reference nor the Marmaropoulos reference teaches the unique combination of T-shaped overhead attachment strip 40, with power strip 57 [0033] on the T-body 53 [0033], Ground 64 [0033] (Figure 7) on the T-cap 55 [0033] (Fig 8), and protective flanges 54 [0030-31] to cover the T- body 53 [0033] as claimed”, please see the previous figure above in which Marmaropoulos shows the T-shaped overhead attachment strip (10), with power strip (one of side 50) on the T-body, Ground (center 50) on the T-cap 55, and protective flanges (20) to cover the T- body.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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